

Practitioner's Docket No. 47980 (1008)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ryncarz, Alexander J.

Serial No.: 08/791,240

Group No.: 1807

Filed: January 30, 1997

Examiner: Sisson, Bradley L.

For: Positive Controls in Polynucleotide Amplification

## Box Sequence

Assistant Commissioner for Patents

Washington, D.C. 20231

SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY, AND/OR  
AMENDMENT PERTAINING THERETO FOR BIOTECHNOLOGY INVENTION  
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE

(check and complete this item, if applicable)

- 1.
- ☒
- This replies to the Office Letter dated September 18, 1997

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

☒ A copy of the Office Letter is enclosed.

## CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant commissioner for Patents, Washington, D.C. 20231

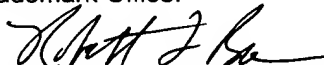
37 CFR 1.8 (a)

37 CFR 1.10\*

[ ] with sufficient postage as first class mail. ☒ as "Express Mail Post Office to addressee"  
Mailing Label No. TB498181772US  
(mandatory)

## TRANSMISSION

[ ] transmitted by facsimile to the Patent and Trademark Office.

Date: 1/30/98  
Signature

Robert L. Buchanan

Type or print name of person certifying)

\*WARNING: Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C. F. R. 1.10(b). "Since the filing of correspondence under §1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. "Notice of Oct.24, 1996, 60 Fed. Reg. 56,439, at 56,442.

## IDENTIFICATION OF DECLARANT

2. I, Linda M. Buckley  
(type or print name of declarant signing below)

state the following:

## ITEMS BEING SUBMITTED

3. Submitted herewith is/are

*(check each item as applicable)*

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
- B. ☒ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.:                      /  
Filed:  
For:

Group No.:  
Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form  
(other application)

"Sequence Identifier"  
(this application)

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference may be made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified" 37 C.F.R. 1.821(e)

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).
- ☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. § 1.821(b).
- F. ☒ Because this submission is made in fulfilling the requirement under 37C.F.R. § 1.821(g), a statement that the submission includes no new matter.
- ☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING" AND COMPUTER READABLE COPY ARE THE SAME AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:  
(complete applicable item A and/or B)
- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**VERIFICATION**

5. NOTE: "Such a statement must be verified statement if made by a person not registered to practice before the Office." 37 C.F.R. § 1.821(f) and (g).
- ☐ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**STATUS**

6. Applicant is
- ☐ a small entity. A verified statement:  
☐ is attached.  
☐ was already filed.
- ☒ other than a small entity.

## EXTENSION OF TERM

7.

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments)-If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run. Notice of Dec. 10, 1985 (1061 O.G. 34-35).

**NOTE:** See 37 C.F.R. 1.645 for extensions of time in interference proceedings and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

8. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b) as applicable)

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)-(d)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,510.00	\$ 755.00

Fee

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- [ ] An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) [ ] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE PAYMENT

9. [ ] Attached is a check in the sum of \$  
[X] Charge Account No. 04-0010 the sum of \$ 192.00  
A duplicate of this transmittal is attached.

(Submission--Nucleotide and/or Amino Acid Sequence [9-37]--page 4 of 6)

## FEE DEFICIENCY

10.

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked *See the Notice of April 7, 1986, 1065 O.G. 31-33.*

11. ☒ If any additional extension and/or fee is required, charge  
Account No. 04-0010

### SIGNATURE(s)

Linda M. Buckley

(type or print name of person signing declaration)

1/30/95

Date

Linda M. Buckley

Signature

Dike, Bronstein, Roberts & Cushman  
130 Water Street  
Boston, MA 02109  
P.O. Address of Signatory

(if applicable)

Telephone No. (617) 523-3400

Reg. No. 31,003

Customer No.:

☐

Inventor(s)

☐

Assignee of complete interest

☐

Person authorized to sign on behalf of  
assignee

☐

Practitioner of record

☒

Filed under Rule 34(a)

☐

Registration No. \_\_\_\_\_

☐

Other \_\_\_\_\_  
(specify identity of declarant)

(complete the following, if applicable)

\_\_\_\_\_  
(type name of assignee)

\_\_\_\_\_  
Address of assignee

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

A "CERTIFICATE UNDER 37 C.F.R. 3.73(b)" is attached.

Assignment recorded In PTO on \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Reg. No.:

\_\_\_\_\_  
(type or print name of practitioner)

Tel. No.: (       )

\_\_\_\_\_  
(P.O. Address)

Customer No.:

\_\_\_\_\_



Docket No.: 47980 (1008)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ryncarz, Alexander J.

EXAMINER: Sisson, B.L.

SERIAL NO.: 08/791,240

GROUP: 1807

FILED: January 30, 1997

FOR: Positive Controls in Polynucleotide Amplification

**CERTIFICATE OF MAILING**

I hereby certify that this SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY, AND/OR AMENDMENT PERTAINING THERETO FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE (Transmittal), COPY OF COMMUNICATION DATED **September 18, 1997**, STATEMENTS IN SUPPORT OF FILING AND SUBMISSIONS IN ACCORDANCE WITH 37 CFR §§1.821-1.825, SEQUENCE LISTING COMPUTER PRINTOUT, 5-1/4" FLOPPY DISK CONTAINING THE SEQUENCE LISTING, PRELIMINARY AMENDMENT, and SUBSTITUTE PAGES (Sheets **47-60**) for the above-identified Application are being deposited with the United States Postal Service as express mail in an envelope addressed to <sup>Hon.</sup> ~~BOX~~ **SEQUENCE**, Commissioner of Patents and Trademarks, Washington, DC 20231, on this **30** th day of **January**, 1998.

Robert L. Buchanan

SEQUENCE VERIFICATION REPORT  
PATENT APPLICATION US/08/791,240A

DATE: 09/18/97  
TIME: 10:45:59

INPUT SET: S20410.raw

Line	Error	Original Text
132	Wrong Nucleic Acid Designator	CGACTCACTA TAGGGCGAAT TGG*G*C
132	Wrong Nucleic Acid Designator	CGACTCACTA TAGGGCGAAT TGG*G*C

BEST AVAILABLE COPY



RAW SEQUENCE LISTING  
PATENT APPLICATION US/08/791,240ADATE: 09/18/97  
TIME: 10:45:57

INPUT SET: S20410.raw

126

127

128

129

130

131

(B) STRAIN:

(xi) SEQUENCE DESCRIPTION: SEQ ID NO: 2:

--&gt;

132

133

134

135

136

137

138

CGACTCACTA TAGGGCGAAT TGG\*GAC

25

*invalid character - not allowed in a sequence -*  
*it's unclear*  
*what they*  
*represent*

BEST AVAILABLE COPY

RAW SEQUENCE LISTING  
PATENT APPLICATION US/08/791,240ADATE: 09/18/97  
TIME: 10:45:55

INPUT SET: S20410.raw

46  
47  
48 (vii) PRIOR APPLICATION DATA:  
49  
50 (A) APPLICATION NUMBER:  
51  
52 (B) FILING DATE:  
53  
54  
55 (viii) ATTORNEY/AGENT INFORMATION:  
56  
57 (A) NAME: Jerome Rosenstock, Esq.  
58  
59 (B) REGISTRATION NUMBER: 25,456  
60  
61 (C) REFERENCE/DOCKET NUMBER: BDI-1020  
62  
63 (ix) TELECOMMUNICATION INFORMATION:  
64  
65 (A) TELEPHONE: (908) 231-2125  
66  
67 (B) TELEFAX: (908) 231-4919  
68  
69

BEST AVAILABLE COPY

## ERRORED SEQUENCES FOLLOW:

103 (2) INFORMATION FOR SEQ ID NO:2:  
104  
105 (i) SEQUENCE CHARACTERISTICS:  
106  
107 (A) LENGTH: 25 base pairs  
108  
109 (B) TYPE: nucleic acid  
110  
111 (C) STRANDEDNESS: single  
112  
113 (D) TOPOLOGY: linear  
114  
115 (ii) MOLECULE TYPE:  
116  
117 (iii) HYPOTHETICAL: NO  
118  
119 (iv) ANTI-SENSE: NO  
120  
121 (v) FRAGMENT TYPE: C-terminal  
122  
123 (vi) ORIGINAL SOURCE:  
124  
125 (A) ORGANISM:

RAW SEQUENCE LISTING  
PATENT APPLICATION US/08/791,240ADATE: 09/18/97  
TIME: 10:45:53

INPUT SET: S20410.raw

This Raw Listing contains the General  
Information Section and those Sequences  
containing ERRORS.

Does Not Comply  
Corrected Diskette Needed

## SEQUENCE LISTING

## (1) General Information:

(i) APPLICANT: Ryncarz, Alexander J.

(ii) TITLE OF INVENTION: Positive Controls in Polynucleotide  
Amplification

(iii) NUMBER OF SEQUENCES: 3

## (iv) CORRESPONDENCE ADDRESS:

(A) ADDRESSEE: Jerome Rosenstock, Esq.

(B) STREET: Rt. 202-206 North/P.O. Box 2500

(C) CITY: Somerville

(D) STATE: New Jersey

(E) COUNTRY: U.S.A.

(F) ZIP: 08876-1258

## (v) COMPUTER READABLE FORM:

(A) MEDIUM TYPE: DISKETTE, 3.5 INCH, 1.44 Mb STORAGE

(B) COMPUTER: DELL 486

(C) OPERATING SYSTEM: WINDOWS 3.1

(D) SOFTWARE: WORDPERFECT 6.0a

## (vi) CURRENT APPLICATION DATA:

(A) APPLICATION NUMBER: 08/791,240

(B) FILING DATE: January 30, 1997

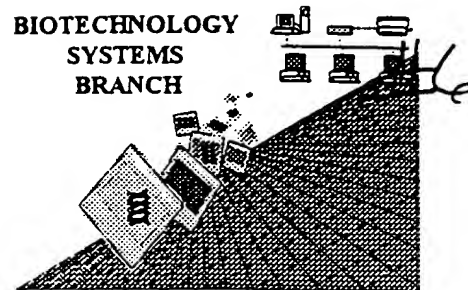
(C) CLASSIFICATION:

BEST AVAILABLE COPY

# **RAW SEQUENCE LISTING**

## **ERROR REPORT**

BIOTECHNOLOGY  
SYSTEMS  
BRANCH



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following CRF diskette:

Application Serial Number:

08/79,240A

Art Unit / Team No. :

1807

Date Processed by STIC:

9/18/97

**THE ATTACHED PRINTOUT EXPLAINS THE ERRORS DETECTED.**

**PLEASE BE SURE TO FORWARD THIS INFORMATION TO THE APPLICANTS BY EITHER:**

**1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANTS ALONG WITH A NOTICE TO COMPLY or,**

**2) CALLING APPLICANTS AND FAXING THEM A COPY OF THE PRINTOUT WITH A NOTICE TO COMPLY**

**THIS WILL INSURE THAT THE NEXT SUBMISSION RECEIVED FROM THEM WILL BE ERROR FREE.**

**IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CALL:**

**ARTI SHAH 703-308-4212**